

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Bonnie L. Cook,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:07-cv-0330
	:	
Commissioner of Social Security	:	JUDGE SARGUS
	:	
Defendant.	:	

ORDER


This matter is before the Court to consider de novo plaintiff's objections to a Report and Recommendation of the Magistrate Judge recommending that judgment be entered in favor of the defendant Commissioner. For the following reasons, those objections will be overruled and judgment will be entered for the defendant.

The Report and Recommendation was based upon two findings concerning the Commissioner's decision. First, the Magistrate Judge found that a reasonable person could have interpreted Dr. Nutter's opinion about plaintiff's ability to stand and walk as consistent with the six-hour daily standing and walking requirement for work at the light exertional level. Second, the Magistrate Judge found that the Commissioner could reasonably have relied upon the vocational expert's testimony that two jobs, ticket taker and garment sorter, could be performed by someone with plaintiff's physical residual functional capacity. On those bases, the Report and Recommendation urged the adoption of the Commissioner's decision as supported by substantial evidence.

In her objection (to which the Commissioner has made no response), plaintiff raises no new arguments, but relies on her statement of errors, in which she contended that neither of the Commissioner's key findings were supported by substantial evidence. The Court has reviewed the Magistrate Judge's conclusions on these issues and concurs with the reasoning of, and the result reached in, the Report and Recommendation. The Court will therefore affirm the Commissioner's decision.

For these reasons, plaintiff's objections to the Report and Recommendation of the Magistrate Judge are OVERRULED, and the Report and Recommendation is ADOPTED. The plaintiff's statement of errors is OVERRULED, the decision of the Commissioner is AFFIRMED, and the Clerk is directed to enter judgment in favor of the defendant.

Date: 9-26-2008



Edmund A. Sargus, Jr.
United States District Judge